

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0164

HOUSE BILL NO. 1044

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to define a multidistrict, career and technical academy and
2 to provide provisions for the establishment of such an academy.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-39-1.2 be amended to read as follows:

5 13-39-1.2. Terms used in this chapter, mean:

6 (1) "Adult vocational education," the training provided to upgrade or update the
7 occupational skills of persons who are preparing to, or have already, entered an
8 occupation;

9 (2) "Center board," the governing body of a ~~multi-district center~~ multidistrict, career and
10 technical academy;

11 (3) "Division," the Division of Education Services and Resources of the Department of
12 Education;

13 (4) "Facilities," buildings, rooms, property, and permanent equipment, including
14 vehicles, used to provide vocational education;

15 (5) "LEA," a local education agency limited to public school districts and the legal



entities that a school district is authorized to establish;

(6) ~~"Multi-district center," a multi-district secondary occupational vocational education center~~ "Multidistrict, career and technical academy," an educational entity designed to provide career and technical education and academic courses that prepare youth for a wide range of careers that require varying levels of education;

(7) "Multi-use facility," a structure or part of a structure for student or faculty use as a lounge area, cafeteria, classroom, or large group area not operated as a student union building in which student fees are charged and utilized to pay for construction and maintenance of a facility under the direct or indirect control of the students;

(8) "Participating district," a school district which has voting representation on a ~~multi-district~~ center board;

(9) "Postsecondary technical institute," a public nonprofit school legally authorized to provide public postsecondary technical education which does not culminate in a baccalaureate degree at that school;

(10) "Secretary," the state secretary of education;

(11) "State board," the South Dakota Board of Education;

(12) "Vocational education," organized programs at the secondary, postsecondary, or adult levels directly related to the preparation of individuals for paid or unpaid employment, or for the additional preparation for a career requiring other than a baccalaureate or advanced degree.

Section 2. That § 13-39-41 be amended to read as follows:

13-39-41. The school boards of two or more school districts may submit to the South Dakota Board of Education a proposed plan to establish a multidistrict ~~center,~~ career and technical academy. The proposal shall be consistent with the state plan for vocational education and shall

1 meet the rules as adopted by the state board pursuant to chapter 1-26.

2 Section 3. That § 13-39-42 be amended to read as follows:

3 13-39-42. When the state board receives a proposed plan to establish a multidistrict-center,
4 it, career and technical academy, the board shall examine the plan and may conduct hearings to
5 receive evidence pertaining to the proposed multidistrict-center, career and technical academy.

6 The state board may approve or disapprove the proposed plan.

7 Section 4. That § 13-39-43 be amended to read as follows:

8 13-39-43. After approval of a plan pursuant to § 13-39-42, all participating school districts
9 of a multidistrict-center, career and technical academy shall enter into an agreement of
10 participation which must receive a vote of approval by the school board of each participating
11 school district. Prior to the effective date of an approved plan, each participating school board
12 shall adopt a resolution of agreement and shall publish the resolution once in the official
13 newspapers of each participating school district.

14 Section 5. That § 13-39-44 be amended to read as follows:

15 13-39-44. A center board shall organize and administer a multidistrict-center, career and
16 technical academy. A center board shall consist of at least five members but not more than a
17 total of one member for each participating district, except that each participating school district
18 with five hundred or more students is allowed one member for each five hundred students or
19 fraction thereof not to exceed three members from any one school district. Center board
20 members shall be members of the school boards of the participating school districts as appointed
21 by their respective school boards.

22 Section 6. That § 13-39-45 be amended to read as follows:

23 13-39-45. If four or less school districts comprise a multidistrict-center, career and technical
24 academy, and if enrollment within the school districts is insufficient to provide five members

1 in accordance with § 13-39-44, the boards of the school districts shall agree upon the number
2 and manner of selection of members of the center board and shall submit their plan of selection
3 for approval or disapproval to the state board pursuant to § 13-39-41.

4 Section 7. That § 13-39-53 be amended to read as follows:

5 13-39-53. ~~Multidistrict-centers,~~ career and technical academies are subject to the rules
6 adopted by the state board pursuant to chapter 1-26 and to applicable statutory requirements of
7 school districts. A center board has the same power, authority, responsibility, and obligations
8 as a school board, except for the authority to levy taxes and to issue bonds. ~~South Dakota~~
9 ~~Statutes~~ All state statutes relating to educational financial activities and other educational
10 activities apply to multidistrict-centers, career and technical academies unless otherwise
11 prohibited by §§ 13-39-41 to 13-39-64, inclusive.

12 Section 8. That § 13-39-54 be amended to read as follows:

13 13-39-54. A center board may not issue bonds or levy a tax on its behalf. The participating
14 school districts may provide funds for the purpose of construction, purchase, and lease of
15 equipment and facilities. A participating district may make payments to a center board for the
16 participating district's share of expenditures made by the center board pursuant to § 13-16-6
17 from the participating district's capital outlay fund. All expenditures of this type made by
18 participating districts prior to the effective date of this statute are ratified. A center board shall
19 acquire by assessment of the participating school districts the necessary funds for the conduct
20 of the vocational programs, services and other expenses of the multidistrict-center, career and
21 technical academy.

22 Section 9. That § 13-39-56 be amended to read as follows:

23 13-39-56. The secretary of education shall apportion and distribute funds made available to
24 ~~multi-district-centers~~ multidistrict, career and technical academies to assist in defraying

1 instructional costs. The use of these funds is subject to the state plans for vocational education
2 and to rules adopted by the South Dakota Board of Education pursuant to chapter 1-26.

3 Section 10. That § 13-39-57 be amended to read as follows:

4 13-39-57. Funds distributed to the multidistrict ~~centers~~, career and technical academies
5 under the provisions of § 13-39-56 are paid out of money appropriated to the division and from
6 federal funds allotted to the State of South Dakota for the purposes of vocational education.

7 Section 11. That § 13-39-62 be amended to read as follows:

8 13-39-62. A school district may withdraw from a multidistrict ~~center~~, career and technical
9 academy if the school board submits a resolution to that effect to the center board and if the
10 center board approves the resolution. If the resolution to withdraw is not approved by the center
11 board, the school board of the district seeking the withdrawal may refer the question to a vote
12 of the people. The form of the ballot question shall be "shall (school district name) continue as
13 a participating member of (multidistrict ~~center~~, career and technical academy name)?" If a
14 majority of the total number of votes cast on the question is not in favor of continuing
15 participation in the multidistrict ~~center~~, career and technical academy, the school district shall
16 terminate its participation in the multidistrict ~~center~~, career and technical academy at the end of
17 the next school fiscal year or on a date determined by the center board. Withdrawal of a district
18 from a multidistrict ~~center~~, career and technical academy does not affect the liability of the
19 withdrawing school district or its share of outstanding obligations incurred prior to the
20 submission of the resolution of withdrawal provided for in this section. However, the
21 withdrawing school district abandons any interest it has in the multidistrict ~~center's~~, career and
22 technical academy's assets.

23 Section 12. That § 13-39-64 be amended to read as follows:

24 13-39-64. The center board may adopt rules, pursuant to chapter 1-26, pertaining to the

- 1 creation, dissolution, operation, control, supervision, and approval of multidistrict ~~centers,~~
- 2 career and technical academies in South Dakota.